

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

CHERYLE L. FLETCHER,

Plaintiff,

v.

MICHAEL J. ASTRUE¹, Commissioner
of Social Security,

Defendant.

Civil No. 07-429-AS

O R D E R

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Attorney for Plaintiff

¹On February 12, 2007, Michael J. Astrue became the Commissioner of Social Security. Pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure, Michael J. Astrue should be substituted, therefore, for Commissioner Linda S. McMahon as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

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KING, Judge:

The Honorable Donald Ashmanskas, United States Magistrate Judge, filed Findings and Recommendation on September 18, 2007. The matter is before this court. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). No objections have been timely filed. This relieves me of my obligation to give the factual findings de novo review. Lorin Corp. v. Goto & Co., Ltd., 700 F.2d 1202, 1206 (8th Cir. 1983); See also Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the legal principles de novo, I find no error.

Accordingly, I ADOPT Magistrate Judge Ashmanskas' Findings and Recommendation (#15).

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IT IS HEREBY ORDERED that Defendants' Motion to Dismiss Counts 2 and 3 of Plaintiff's Complaint is GRANTED.

DATED this 9th day of October, 2007.



GARR M. KING
United States District Judge